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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,734	09/23/2003	John J. Toben	6006-141-1	2477

7590 08/06/2008
Nicholas J. Tuccillo, Esq.
McCormick, Paulding & Huber LLP
CityPlace II
185 Asylum Street
Hartford, CT 06103

EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

MAIL DATE	DELIVERY MODE
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08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/668,734	Applicant(s) TOBEN ET AL.	
	Examiner ERNESTO GARCIA	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2007 and 20 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings were received on November 20, 2007. These drawings are acceptable.

Claim Rejections - 35 USC § 102

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Latawiec, 3,395,827.

Regarding claim 20, Latawiec discloses, in Figure 3, a method comprising:
integrally forming a female end portion **22, 24** at another distal end of a duct wall **10**; and,
integrally forming the female end portion **22, 24** includes:
bending a first fold **A1** (see marked-up attachment) beginning at a break point **B1** of the duct wall **10** to extend at a hemmed angle **B2** towards an interior of a ductwork (col. 2, lines 10-14);

bending a second fold **A2** back upon the first fold **A1** to extend substantially adjacent to the break point **B1**;

bending a third fold **A3** beginning substantially adjacent to the break point **B1** and extending substantially parallel to the duct wall **10**; and,

bending a fourth fold **A4** back against the third fold **A3** to define a groove **A5**.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Grimaldi, EP-71,586.

Regarding claim 20, Grimaldi discloses, in Figures 1 and 5, a method comprising:
integrally forming a female end portion **3** at another distal end of a duct wall **1**;
and,

integrally forming the female end portion **3** includes:

bending a first fold **A1** (see marked-up attachment) beginning at a break point **B1** of the duct wall **1** to extend at a hemmed angle **B2** towards an interior of a ductwork (since portion 3 points inwardly in Figure 1, the fold A1 points inwardly as well);

bending a second fold **A2** back upon the first fold **A1** to extend substantially adjacent to the break point **B1**;

bending a third fold **A3** beginning substantially adjacent to the break point **B1** and extending substantially parallel to the duct wall **1**; and,

bending a fourth fold **A4** back against the third fold **A3** to define a groove **A5**.

Allowable Subject Matter

Claim 21 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 21, the prior art of record does not disclose or suggest a method of forming a seam for ductwork comprising integrally forming a sealing fold at a distal end of a fourth fold and bending the sealing fold to be transverse to a female groove prior to a male portion being inserted into the female groove (lines 3-5) in combination with a first fold beginning at a break point of a duct wall (claim 20, lines 6-7). The closest prior art, James, 583,379, fails to include a sealing fold at the distal end of the fourth fold. There's no reason to combine Sleeth, 2,286,118, to add this feature to James since the first fold provides the sealing fold.

Response to Arguments

Applicants' arguments with respect to claim 20 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Greg Binda/
Primary Examiner, Art Unit 3679

/E. G./

Examiner, Art Unit 3679

August 6, 2008

Attachments: one marked-up page of James, 583,379

one marked-up page of Grimaldi, EP-71,586

Art Unit: 3679

Latawiec, 3,395,827



